

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ENBRIDGE ENERGY, LIMITED PARTNERSHIP, ENBRIDGE ENERGY COMPANY, INC., and ENBRIDGE ENERGY PARTNERS, L.P.,	)	
	)	Case No. 1:20-cv-01141-JTN-RSK
Plaintiffs,	)	Hon. Janet T. Neff
	)	
v.	)	<b>ORAL ARGUMENT REQUESTED</b>
	)	
GRETCHEN WHITMER, the Governor of the State of Michigan in her official capacity, DAN EICHINGER, Director of the Michigan Department of Natural Resources in his official capacity,	)	
	)	
Defendants.	)	
	)	

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**PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT ON COUNTS I AND III OF THE COMPLAINT**

**ORAL ARGUMENT REQUESTED**

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Plaintiffs respectfully move this Court for Summary Judgment on the federal preemption claims in Counts I and III of the Complaint. *See* Fed. R. Civ. P. 56(a). Counts I and III represent alternative theories for the declaratory and injunctive relief Enbridge requested. Each Count provides an independent reason why federal law bars state officials from forcing Enbridge to shut down Line 5. This motion is supported by the accompanying Brief in Support. For the reasons demonstrated in the brief, this Court should grant summary judgment for Enbridge, enter a declaratory judgment that Defendants' attempts to force a shutdown of Line 5 are preempted by the Pipeline Safety Act and the Foreign Affairs Doctrine, and enjoin Defendants from taking any steps to impede or prevent the interstate and international operation of Line 5. *See* ECF No. 1 at 18-19, PageID.18-19 (Enbridge's Prayer for Relief).

Dated this 18th day of January, 2022

Respectfully submitted,

s/ Peter H. Ellsworth  
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